IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

Bail Appl..No. 6276 of 2007()

CRMP.2474/2007 of J.M.F.C.-I,ATTINGAL
Cr.NO.1/05 OF CRIME BRANCH CID, SIG-I, THIRUVANANTHAPURAM
CRIME NO.907/04 OF ATTINGAL POLICE STATION

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: PETITIONER/ACCUSED NO.6

A.JEAM KHAN, S/O. ABDUL LATHEEF,
AGED 39 YEARS, GREEN VILLA, MANAMAK,
CHIRAYINKEEZHU TALUK, THIRUVANANTHAPURAM.

BY ADV. SRI.THOMAS ABRAHAM
SRI.DIPU.R

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. DY. S.P.,
CBCID SIG-1, THIRUVANANTHAPURAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/11/2007 ALONG WITH B.A.NOS.6277, 6278, 6279, 6280, 6296, 6448 & 6811 OF 2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.Nos.6276, 6277, 6278, 6279, 6280, 6296, 6448 & 6811 of 2007

Dated this the 7th day of November, 2007

ORDER

Applications for regular bail. The common petitioner faces allegations in 8 different crimes registered at various police stations in Kerala, wherein the allegation is that fake currency notes of Rs.1,000/- denomination were in circulation. The common feature in all these crimes is that fake currency notes of the same number series were involved in all the crimes. Investigation by the investigators led to the detection of the role of the petitioner in such crimes. It is alleged that the ones who were caught with the counterfeit currency notes had ultimately obtained it through the petitioner. The investigation has been taken over by the Crime Branch C.I.D Counterfeit Squad, Trivandrum. Investigation is in progress now. The petitioner's arrest has been shown in all these crimes on various dates. He was actually taken into custody on 16.08.07. He continues in custody from that date though his arrest is recorded in different crimes on different dates.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. The allegations raised against him in

all these crimes are totally false and unsustainable. He further submits that to vex and harass the petitioner, his arrest is not noted in all the connected crimes immediately following his initial arrest on 16.08.07. Unnecessarily there has been deliberate delay in the recording of arrest in all these crimes after the initial arrest on 16.08.07. This is with a mala fide intent to ensure that the petitioner is kept in custody for as long as a period as possible.

3. The period of 3 months from the date of his arrest has not elapsed so far and it is not necessary for me in these circumstances to delve deeper into that contention.

4. The learned counsel for the petitioner then contends that the petitioner is one Jeam Khan. He does not have the name Sabu. The investigation by the police had revealed complicity only of one Sabu. All persons who allegedly had interaction with the accused have referred to him as Sabu. At present the explanation is that Sabu referred to the witnesses/co-accused earlier is really the petitioner, whose name is Jeam Khan.

5. The learned counsel for the petitioner, in these circumstances, prays that the petitioner who has remained in custody from 16.08.07 may now be enlarged on bail. He has absolutely no complicity in any of these crimes, it is submitted.

6. The learned Public Prosecutor opposes the application. The learned Public Prosecutor first of all submits that the allegations are very serious. The petitioner's involvement in the distribution of counterfeit currency notes in all these crimes at various points in Kerala is indicated clearly by the materials collected. The confession of the petitioner also reveals his complicity without any doubt. Considering the nature and gravity of the allegations, the petitioner is not entitled to be enlarged on bail at this early stage of investigation, submits the learned Public Prosecutor .

7. The learned Public Prosecutor further submits that the fact that the petitioner had not revealed his real name ie. Jeam Khan to the other co-accused with whom he had interaction in the ploy to distribute counterfeit currency notes cannot clinch the issue now. It cannot even be reckoned as relevant now as the statements recorded from the co-accused as well as the petitioner herein clearly reveal that the petitioner had not chosen to reveal his real name to persons with whom he had to interact in this despicable deal. The mere fact that the accused had used another name in the transactions in connection with the crime in question with his associates is certainly not a valid reason for this Court to concede any benefit or advantage to the petitioner.

8. The learned counsel for the petitioner then contends that the investigation has not been taken up with the seriousness which it requires. There was an earlier application for regular bail - B.A.No.6296 of 2007 and this Court had directed that the investigation must be completed by 20.09.07. That was as per order dated 10.09.07. In spite of that, investigation has not been completed. The petitioner may, in these circumstances, be enlarged on bail, submits the learned counsel for the petitioner.

9. The learned Public Prosecutor submits that the investigation is in progress. In a case like this, the Investigating Officer may not be found fault with for not completing the investigation immediately. In the very nature of the facts and circumstances of this case, the investigator is entitled to and may be granted reasonable further time to complete the investigation before the question of release of the petitioner is considered, submits the learned Public Prosecutor.

10. Having considered all the relevant inputs, I find merit in the opposition by the learned Public Prosecutor . I am satisfied, in the facts and circumstances of this case that the petitioner does not deserve to be enlarged on bail at this early stage. In coming to this conclusion, I have taken note of the nature, gravity and seriousness of

the offence alleged. I have taken note of the magnitude of the culpable operation as indicated from the materials present on record in these 8 cases. I have also taken note of the quality and quantum of materials available. I have also taken into reckoning the stage of the investigation and the magnitude of the task before the Investigating Officer.

11. These applications for regular bail are, in these circumstances, dismissed. I may hasten to observe that I expect the Investigating Officer to complete the investigation as expeditiously as possible. I do further observe that the petitioner shall be at liberty to move this Court for bail again at a later stage of the investigation not at any prior to 21.11.2007. This observation will not of course fetter the right of the petitioner to claim bail by default under the proviso to Section 167(2) Cr.P.C if he be entitled for such bail earlier than that date, in any case.

(R.BASANT, JUDGE)

rtr/-